IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.
Writ Petition No.5898 of 2007
[Smt. K.U. Shelke Vs. A.K. Sarode]

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. L.H. Kothari, Advocate for the petitioner.

CORAM : A.H. JOSHI, J.

DATE : 19th December,2007.

1. Heard.

2. Petitioner, who is aggrieved by the Judgment and Order passed by the Appellate Court, states that there are thirteen documents relied upon by the Trial Court, which have been disregarded by the First Appellate Court. The learned Advocate for the petitioner, however, is not in a position to demonstrate as to how the entry in Cultivation Column, which is prior to the date of sale-deed in favour of the plaintiff, could have an overriding effect on the sale-deed, execution whereof is an admitted fact.

3. The finding recorded by the Trial Court that it would not be open to the plaintiff in view of Sections 91 and 92 of the Evidence Act to deny the sale-deed, is not shown to be, in any manner, erroneous. The First Appellate

Court, therefore, found that the plaintiff has a prima facie strong case and hence on his proved right, allowed appeal and granted application [Exh.5] for injunction.

4. The order impugned is not shown to be perverse or otherwise illegal. No interference is called for.

5. Petition is, therefore, dismissed.

Judge

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